IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3126 OF 2010
IN
INCOME TAX APPEAL NO. 338 OF 2007

The Commissioner of Income Tax-V, Pune ..... Appellant
V/S.
Ador Powerton Industries Ltd, Pune ..... Respondent

Mr. Vimal Gupta, Advocate for the appellant.

None for the respondent.

CORAM :- J.P. DEVADHAR &

SMT. R.P. SONDURBALDOTA, JJ.

30 June 2011.

P.C. :-

1. Heard. None for the respondent, though served.

2. For the reasons stated in the affidavit-in-support of the Notice of Motion, the delay is condoned. The Notice of Motion is made absolute in terms of prayer clauses (a) and (b).

[SMT. R.P. SONDURBALDOTA, J] **[J.P. DEVADHAR, J]**

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None for the respondent.

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SMT. R.P. SONDURBALDOTA, JJ.

30 June 2011.

P.C. :-

1. Not on board. Taken up by consent of Advocate for the appellant.

2. In view of the judgment of the Apex Court in the case of **Commissioner of Income-Tax V/s. Lakshmi Machine Works reported in [2007] 290 ITR 667 (SC)**, the Counsel for the revenue seeks to withdraw the Appeal. Accordingly, the Appeal is allowed to be withdrawn. Refund of court-fees as per law.

[SMT. R.P. SONDURBALDOTA, J] **[J.P. DEVADHAR, J]**